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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 Hoy's Inc., Skill Properties, LLC, James
9 Massengill, Kaylea Massengill and Haldun,
Inc.,

10 Plaintiffs/Counter-
11 Defendants,

12 vs.
13 EBJ&F, LLC, Med-Health Pharmaceutical
14 Products, LLC and Edwin Fujinaga,
15 Defendants.

16 EBJ&F, LLC, Med-Health Pharmaceutical
17 Products, LLC and Edwin Fujinaga,

18 Counterclaimants,

19 Hoy's Inc., Skill Properties, LLC, James
20 Massengill, Kaylea Massengill and Haldun,
Inc., DOES I through X; ROE
21 CORPORATIONS XI through XX, inclusive,

22 Counter-Defendants.

23 Case No.: 2:13-cv-00912-APG-VCF

24

25 **JOINT MOTION AND |**
ORDER TO STAY PROCEEDINGS

26 Plaintiff/Counter-Defendants Hoy's Inc, Skill Properties, LLC, James Massengill, Kaylea
27 Massengill, and Haldun Inc., and Defendant/Counterclaimants EBJ & F, Med-Health
28 Pharmaceutical Products, and Edwin Fujinaga ("the Parties") respectfully move the Court for entry
of the attached proposed Order for a limited stay of this matter pending approval of the proposed

1 settlement agreement in this matter by the Securities and Exchange Commission, the Honorable
2 District Court in Case No. 2:13-cv-1658-JCM-CWH (D. Nev.), and the Honorable District Court in
3 Case No. 2:13-cv-01183-JAD-VCF (D. Nev.).
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5 1. On April 14, 2014, the Parties held a private mediation in this matter and reached an
6 agreement to settle this matter. As there are two separate lawsuits involving the
7 Defendants/Counterclaimants in which injunctions had been entered, the parties' agreement was
8 made contingent upon Court approval in the actions described above.

9 2. On May 19, 2014, a final settlement agreement was executed by the Parties
10 ("Agreement"). Counsel for Defendants/Counterclaimants immediately transmitted the settlement
11 agreement to counsel for the Securities and Exchange Commission, and is awaiting approval and/or
12 further instruction. It is then the intention of the undersigned to seek formal approval from the
13 District Courts to effectuate and complete the terms of the settlement agreement between the
14 Parties.
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16 3. Upon review and approval by the SEC and the District Court (Case No. 2:13-cv-
17 1658-JCM-CWH), and, if necessary, the Plaintiffs in the Class Action case (2:13-cv-01183-JAD-
18 VCF)¹, relief will be sought in the District Court. However, it is unclear when these motions and/or
19 stipulations would be entertained by the respective District Courts. Accordingly, the Parties
20 respectfully request that this Court stay this case for a limited time, until August 1, 2014, to allow
21 the Parties time to comply with the terms of the Agreement and to allow sufficient time for
22 obtaining of Court approval.
23

24 4. There are no disputes between the Parties as to the underlying Agreement or the
25 terms of the Agreement. The need for additional time is related solely to the
26 Defendants/Counterclaimants seeking and obtaining approval from the above-referenced
27
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1 governmental agencies, parties, and Courts, as set forth in the terms of the Agreement. Should the
2 Defendants/Counterclaimants be unable to procure SEC and/or Court approval, it is expected the
3 parties will request a new scheduling order from the Court.

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5 Respectfully submitted,

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17 and
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¹ On May 16, 2014, the District Court in Case No. 2:13-cv-01183-JAD-VCF issued an Order
dismissing Plaintiffs' Complaint, with leave until May 27, 2014 to file an amended complaint.

ORDER

UPON CONSIDERATION of the Parties' Joint Motion to Stay Proceedings and for good cause shown, it is hereby ORDERED that the Joint Motion is GRANTED.

It is further ORDERED that litigation deadlines in this matter are STAYED until August 1, 2014, subject to an amended scheduling order in the event that the settlement agreement is not approved.

IT IS HEREBY ORDERED that the parties shall file a Joint Status Report or an Amended Scheduling Order by August 1, 2014.

Dated: May 29, 2014.


UNITED STATES DISTRICT JUDGE

4819-3407-6443, v. 1